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CENTRAL FAX CENTER**NOV 10 2004****FAX TRANSMISSION****DATE:** November 10, 2004**PTO IDENTIFIER:** Application Number 09/695,866

Patent Number

Inventor: Tetsuya Kondo et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP

Morris Liss

PHONE: (202) 331-7111**Attorney Dkt. #:** 21994-00013-US**PAGES (including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (with Traverse) (2 pages) and
Certificate of Transmission under 37 CFR 1.8 (1 page).

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PTO/SB/97 (12-97)

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Response to Restriction Requirement (with Traverse) (2 pages) and
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NOV 10 2004

Docket No.: 21994-00013-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tetsuya Kondo et al.

Application No.: 09/695,866

Confirmation No.: 3197

Filed: October 26, 2000

Art Unit: 2655

For: OPTICAL INFORMATION RECORDING
MEDIUM, AND SUBSTRATE AND
MANUFACTURING METHOD FOR THE
OPTICAL INFORMATION RECORDING
MEDIUM

Examiner: A. Neyzari

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed October 29, 2004, applicant hereby provisionally elects claims 1-22 for continued examination, with traverse.

The Examiner has required restriction between Group I, claims 1-22, drawn to an optical information recording medium comprising different layers, and Group II, claims 23-24, drawn to a manufacturing method for an optical recording medium.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

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If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-24 presently pending in this application be examined.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21994-00013-US from which the undersigned is authorized to draw.

Dated: November 10, 2004

Respectfully submitted,

By 

Morris Liss

Registration No. 24,510

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